IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE PIUS C.KURIAKOSE

THURSDAY, THE 29TH NOVEMBER 2007 / 8TH AGRAHAYANA 1929

WP(C).No. 28291 of 2007(R)

PETITIONER:

OMANA,D/O. C.R.JOSEPH,
AGED 41 YEARS, TEERTHAM,KALLEKULANGARA,
MALAMPUZHA ROAD,AKATHETHARA PO,PALAKKAD.

BY ADV. SRI.BINOY VASUDEVAN

RESPONDENTS:
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1. AKATHETHARA GRAMA PANCHAYAT REPRESENTED BY ITS SECRETARY.

2. THE SECRETARY, AKATHETHARA GRAMA PANCHAYAT.

BY ADV. SRI.R.GIREESH VARMA

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 29/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

PIUS.C.KURIAKOSE, J.

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W.P.(c).No. 28291 OF 2007

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Dated this the 29th day of November, 2007

JUDGMENT

The grievance of the petitioner, who has completed the construction of a building on the strength of a building permit given by the first respondent Panchayat as Permit No.19/96-99 as per completion certificate dated 12/05/1998, is that the Panchayat has not yet assigned door number to the building, though the Secretary of the Panchayat had made an endorsement on the file, that door number can be assigned to the building. According to the petitioner, there is no justifiable reason for the Panchayat to decline numbering of the building. Petitioner gathers that it is on the reason of the pendency of some civil disputes between the petitioner and her neighbour one Sri.Krishnakumar that the Panchayat is being diffident in the matter of assigning door number. The petitioner points out that when Sri.Krishna Kumar tried to obstruct the pathway situated on the northern side of the petitioner's property, which was a common passage for both the parties, petitioner preferred O.S.No.122/03 before the

Munsiff Court, Palakkad. Krishnakumar raised a counter claim in the said suit that the petitioner's building had been constructed in violation of the building Rules. The suit and the counter claim were tried and after trial, by Ext.P1 judgment, the suit was decreed and the counter claim was dismissed. Sri.Krishnakumar has preferred an appeal as A.S.No.125/07 which is pending before the District Court, Palakkad. When the petitioner applied to the second respondent for assigning for a door number for the building producing a copy of Ext.P1 judgment, the second respondent informed the petitioner under Ext.P2 that number can be assigned only after northern boundary is fixed on the basis of the measurement by the revenue authorities. To Ext.P2, petitioner submitted a reply stating that she has no objection in having a measurement, but at the same time, contended that there is no requirement for such a measurement. The petitioner claims that the property was measured pursuant to Ext.P3 and it was found that there is no encroachment of the petitioner's building into the property of the the above said Krishnakumar. The grievance is that even thereafter the Panchayat is not assigning door number to the building as a result of

which the petitioner is unable to apply for electricity connection and other utility connections. Even though the respondents were served with notice, they have not entered appearance before this court for resisting the prayers in the writ petition.

Having heard the submissions of Sri.Binoy Vasudevan, learned counsel for the petitioner and having gone through the averments in the writ petition and the documents particularly Ext.P1 judgment of the civil court, I am of the view that the respondents are not justified in insisting that door number will be assigned to the petitioner's building only after the appeal preferred by Sri.Krishnakumar is disposed of. The counter claim submitted by Sri.Krishnakumar was regarding certain portions of the building allegedly projecting into his property. Even if the counter claim is ultimately decreed by the District Court allowing the appeal preferred by Sri.Krishnakumar, the liability which the petitioner will entail is only for demolishing those portions. In the circumstances of this case, I am of the view that the Panchayat should number the building subject to the outcome of the appeal preferred by Sri.Krishnakumar.

In the result, I direct the respondents to assign door number to the residential building put up by the petitioner on the strength of permit No.19/96-99, subject to the outcome of A.S.No.125/07 on the file of the District Court, Palakkad. Numbering as directed above shall be done within three weeks of petitioner producing a copy of this judgment before the respondents. The petitioner is also directed to send a copy of this judgment to Sri.Krishnakumar also by registered post acknowledgment due as and when she receives the same.

PIUS.C.KURIAKOSE
JUDGE

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